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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 STRIKE 3 HOLDINGS, LLC, a Delaware
11 corporation,

12 Plaintiff,

13 vs.

14 JOHN DOE subscriber assigned IP address
15 76.22.118.13,

16 Defendant.

Case No.: 2:17-cv-01732-RAJ

**PROPOSED ORDER ON PLAINTIFF'S
MOTION FOR LEAVE TO SERVE
THIRD PARTY SUBPOENA PRIOR TO
A RULE 26(f) CONFERENCE**

17 THIS MATTER came before the Court upon Plaintiff's Motion for Leave to Serve a Third
18 Party Subpoena Prior to a Rule 26(f) Conference (the "Motion") (Dkt. # 5), and the Court being
19 duly advised of the same and the Court file herein does hereby FIND AND ORDER THAT:

20 1. Plaintiff has established that "good cause" exists for it to serve a third party
21 subpoena on Comcast Cable (hereinafter the "ISP");

22 2. Plaintiff may serve the ISP with a Rule 45 subpoena commanding the ISP to
23 provide Plaintiff with the true name and address of the Defendant to whom the ISP assigned an
24 IP address as set forth on Exhibit A to the Complaint. Plaintiff shall attach to any such
25 subpoena a copy of this Order;

26 3. Plaintiff may also serve a Rule 45 subpoena in the same manner as above on any
27 service provider that is identified in response to a subpoena as a provider of Internet services to
28 one of the Defendants;

**PROPOSED ORDER ON PLAINTIFF'S
MOTION FOR LEAVE TO SERVE A THIRD
PARTY SUBPOENA PRIOR TO A RULE 26(f)
CONFERENCE - (2:17-cv-01732-RAJ)**

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1 4. If the ISP qualifies as a “cable operator,” as defined by 47 U.S.C. § 522(5),
2 which states:

3 the term “cable operator” means any person or group of persons

4 (A) who provides cable service over a cable system and directly or through one
5 or more affiliates owns a significant interest in such cable system, or

6 (B) who otherwise controls or is responsible for, through any arrangement, the
7 management and operation of such a cable system.

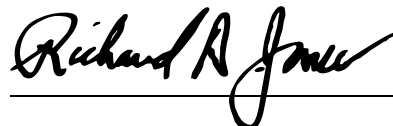
8 it shall comply with 47 U.S.C. § 551(c)(2)(B), which states:

9 A cable operator may disclose such [personal identifying] information if the
10 disclosure is . . . made pursuant to a court order authorizing such disclosure, if
11 the subscriber is notified of such order by the person to whom the order is
12 directed.

13 by sending a copy of this Order to the Defendant; and

14 5. Plaintiff may only use the information disclosed in response to a Rule 45
15 subpoena served on the ISP for the purpose of protecting and enforcing Plaintiff’s rights as set
16 forth in its Complaint.

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18 DATED this 9th of January, 2018.

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21 The Honorable Richard A. Jones
22 United States District Judge